

Decision 03-02-042 February 27, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Damon A. Baxter, dba Dependable Moving
Services, for a Permit to Operate as a Household
Goods Carrier.

Application 02-09-004
(Filed September 4, 2002)

ORDER DISMISSING APPLICATION

Summary

Application dismissed for failure to prosecute.

Background

This application was filed on September 4, 2002. The Commission's Consumer Protection and Safety Division filed a protest on October 4, 2002. The Commission's Calendar Clerk has made several attempts to contact Applicant so as to arrange a prehearing conference. All attempts were unsuccessful.

Administrative Law Judge (ALJ) Sheldon Rosenthal issued a Ruling dated October 31, 2002, cautioning Applicant that the matter would be dismissed if no responses were received.

On November 9, 2002, a message was left on the ALJ's telephone answering machine indicating that Applicant was no longer in California. Based on this phone message and Applicant's failure to personally respond to the

Ruling of October 31, 2002, this matter should be dismissed for failure to prosecute.

Comments on Draft Decision

The Draft Decision of the ALJ in this matter was mailed to the Applicant in accordance with Section 311(g)(1) of the Public Utilities Code and Rule 77.7 of the Rules of Practice and Procedure. No comments have been received.

Assignment of Proceeding

Carl W. Wood is the Assigned Commissioner, and Sheldon Rosenthal is the assigned ALJ in this proceeding.

Findings of Fact

1. Repeated attempts by the Calendar Clerk have not received responses from Applicant.
2. Applicant has not responded to a Ruling of the ALJ warning of dismissal.
3. The ALJ received a phone message stating that the Applicant was no longer in California.

Conclusion of Law

This matter should be dismissed for failure to prosecute.

IT IS ORDERED that:

1. This application is dismissed.
2. The matter is closed.

This order is effective today.

Dated February 27, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President

CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners